

**Petition for Approval of Retention of Attorney by Conservator of the Estate, and for
Authorization for Conservator to Independently Exercise Power to Compromise a
Particular Claim**

			BRUCE D. BICKEL , Conservator of the Estate, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: Note: There is an upcoming hearing on 6-5-14 for Co-Conservator of the Person Kate A. Singh's petition for fees.
			Petitioner states he is not currently represented by counsel in this matter. Petitioner desires to retain the services of Baker, Manock & Jensen, PC, for the services of legal counsel to assist him in collecting money held by the State of California belonging to the Conservatee, in obtaining information from the law firm of Graham Vaage, LLP relative to a lien it has asserted against the money held by the State of California, and after investigation, to dispute, compromise, and/or litigate the claim of Graham Vaage, LLP.	
	Aff.Sub.Wit.		Petitioner states the approx. \$264,000.00 held by the State of California is a result of an eminent domain action against properties in Palmdale owned by the Conservatee. About 5-28-02, the Conservatee hired the law firm of Graham Vaage, LLP, to assist him in the eminent domain matter filed by the City of Palmdale. On 7-12-02, Graham Vaage, LLP, appeared as his counsel in the action which ultimately went to trial on 6-6-03. On 3-6-03, Graham Vaage, LLP filed a Notice of Claim and Lien for Attorney's Fees, Costs and Expenses, which Petitioner later learned in July 2012 is claimed to be approx. \$188,717.53. Before the matter went to trial, Graham Vaage, LLP was relieved as counsel. The Conservatee appeared in pro per at trial on 6-6-03 at which time judgment was entered in the City of Palmdale's favor, condemning the Conservatee's property and ordering him to be compensated in the amount of \$264,000.00. The funds have been on deposit in the California State Treasury Condemnation Fund since shortly thereafter.	
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	UCCJEA			
	Citation			
	FTB Notice		<u>SEE ADDITIONAL PAGES</u>	

Reviewed by: skc

Reviewed on: 5-12-14

Updates:

Recommendation:

File 2 - Mitchell

Page 2

Petitioner states it is to the advantage, benefit, and best interests of the Conservatee to retain the services of Baker, Manock & Jensen, PC to pursue collection of the funds held by the State of California and to review, investigate, litigate, and/or compromise the lien purportedly placed on the money by Graham Vaage, LLP. Attorneys of Baker, Manock & Jensen, PC have the experience and expertise in eminent domain, conservatorship, and litigation matters to effectively and efficiently handle this matter. In particular, Robert D. Wilkinson, a member of Baker, Manock & Jensen, PC, has knowledge and experience with eminent domain and litigation matters and would represent Petitioner in this matter. Baker, Manock & Jensen, PC attorneys Jeffrey A. Jaech and Mark Poochigian are experienced with conservatorship matters and will be available to consult with Petitioner and Mr. Wilkinson as needed.

Petitioner states he is "of counsel" with Baker, Manock & Jensen, PC and as such could be considered an employee for purposes of Probate Code §2645(b). Petitioner hereby requests approval to retain B Baker, Manock & Jensen, PC as his attorneys for the authorization to pursue collection of the money and negotiation, settlement, or litigation of the lien matter. Petitioner states Baker, Manock & Jensen, PC shall be entitled to collect and retain as its funds all fees for services rendered in its capacity as attorneys for the conservator of the estate, and Petitioner hereby waives and renounces all interest in that compensation and agrees not to share in the attorney fees either directly or indirectly.

Petitioner states although he has authority under §2462 to commence and maintain actions and proceedings for the benefit of the Conservatee or estate without prior authorization, §2502 requires approval to compromise or settle a matter over \$25,000. Therefore, Petitioner seeks authorization under §2591(p) to compromise or settle the matter with Graham Vaage, LLP by independent exercise of such powers.

Petitioner prays for an order that:

- 1. The conservator of the estate be authorized to retain Baker Manock & Jensen, PC to pursue collection of the money held by the State of California and to investigate, negotiate, settle, or litigate the purported lien Graham Vaage, LLP has asserted on the money;**
- 2. Baker Manock & Jensen, PC be entitled to compensation from the estate in amounts later approved by this Court;**
- 3. Petitioner be authorized under Probate Code §2590 to independently settle the claim of Graham Vaage, LLP against the Conservatee; and**
- 4. Such further orders be made as the Court considers proper.**

<div> <div>Frank K. Ishii DOD: 11-10-93</div> <div>Lily Y. Ishii DOD: 3-7-05</div> <div> Cont. from 070212, 072712, 083112, 092712, 112612, 011413, 022513, 032913, 051713, 062813, 083013, 092713, 102513, 011014, 041014 </div> <div> <div>Aff.Sub.Wit.</div> <div> <input checked="" type="checkbox"/> Verified </div> <div>Inventory</div> <div>PTC</div> <div>Not.Cred.</div> <div> <input checked="" type="checkbox"/> Notice of Hrg </div> <div> <input checked="" type="checkbox"/> Aff.Mail <div>W</div> </div> <div>Aff.Pub.</div> <div>Sp.Ntc.</div> <div>Pers.Serv.</div> <div>Conf. Screen</div> <div>Letters</div> <div>Duties/Supp</div> <div>Objections</div> <div>Video Receipt</div> <div>CI Report</div> <div>9202</div> <div>Order</div> <div> <div>Aff. Posting</div> <div>X</div> </div> <div>Status Rpt</div> <div>UCCJEA</div> <div>Citation</div> <div>FTB Notice</div> </div> </div>	<div> GERALD ISHII, Beneficiary and Co-Trustee, is Petitioner. </div> <div> Petitioner states he and LESLIE ISHII (Respondent) were named successor co-trustees of the ISHII FAMILY TRUST DATED 3-3-92 (the "Trust"). The Trust consisted of interests in 8 parcels of real property, stocks, bonds, securities, cash, and other assets in Prudential-Bache Securities, and 300 shares of common stock in Frank K. Ishii & Sons, Inc., a California corporation owned by the Settlor. </div> <div> At the death of Frank K. Ishii on 11-10-93, two irrevocable and one revocable sub-trusts were created: <ul style="list-style-type: none"> The FRANK K. ISHII TRUST The ISHII FAMILY MARITAL DEDUCTION TRUST The ISHII FAMILY SUVIVOR'S TRUST (revocable) </div> <div> On 3-15-95, Lily Ishii, individually and as Trustee of the Trust, assigned a 36.44% interest to the FRANK K. ISHII TRUST, a 13.56% interest to the ISHII FAMILY MARITAL DEDUCTION TRUST, and a 50% interest to the ISHII FAMILY SUVIVOR'S TRUST of the assets listed on Exhibit F, including accrued rent payable from the corporation of \$105,548 as of 11-10-93, a receivable due from the corporation of \$26,089 as of 11-10-93, and a proprietorship known as Lily's Hair Stylists consisting of furniture and fixtures, cash, supplies, inventory and goodwill. </div> <div> Lily Ishii died on 3-7-05 and he and LESLIE ISHII (Respondent) became Co-Trustees. </div> <div> Pursuant to Section 5.02 of the Trust, the three sub-trusts were to be combined on the death of the surviving settlor and certain distribution was to occur: <ul style="list-style-type: none"> \$75,000.00 to Sharon J. Shoji (daughter) One-half of the remaining balance to Gerald One-half of the remaining balance to Leslie </div> <div> As to the corporation: Petitioner and Leslie each hold 300 shares individually and the Trust holds 300 shares. Petitioner and Leslie as individuals and as Co-Trustees may vote an equal number of shares, but have been in a deadlock as to the operation of the corporation since approx. 2007. As such, the corporation's status has become suspended with many tax liabilities remaining outstanding, which continues to decrease the value of the corporation. </div> <div> SEE PAGE 2 </div>	<div> NEEDS/PROBLEMS/COMMENTS: </div> <div> Continued from 7-2-12, 7-27-12, 8-31-12, 9-27-12, 11-26-12, 1-14-13, 2-25-13, 3-29-13, 5-17-13, 6-28-13, 8-30-13, 9-27-13, 10-25-13, 1-10-14, 4-10-14 </div> <div> As of 5-9-14, nothing further has been filed. </div> <div> See Page 3 for details. </div> <div> <div>Reviewed by: skc</div> <div>Reviewed on: 5-9-14</div> <div>Updates:</div> <div>Recommendation:</div> <div>File 3A - Ishii</div> </div>
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A meeting of the directors of the corporation was noticed on 6-3-10 by Gerald, who is secretary; however, the meeting did not occur because Leslie found the principal place of business of the corporation to be an inconvenient meeting location, although it is approx. one mile from her home. No meetings have occurred since. Because the corporation is one-third owned by the trust, the deadlock between the Co-Trustees is impairing the administration of the Trust and causing trust assets to lose value.

Petitioner requests that the Court remove both Co-Trustees of the Trust and subtrusts because due to hostility and lack of cooperation among Co-Trustees, administration of the Trust and sub-trusts continue to be impaired and trust assets neglected. Probate Code §§ 15642(a)(3), 17200(b)(10). The Trust does not appoint a successor trustee in the event of removal; rather, it provides only the manner of successor appointments should one of the two become unable to perform. Petitioner requests appointment of **BRUCK BICKEL** as Successor Trustee with compensation to be approved by the Court. Mr. Bickel consents to act. Petitioner requests appointment without bond for one year to allow the corporate affairs to be brought to order, with authority to apply for an extension by Mr. Bickel should the corporate affairs remain unresolved and the Trust assets undistributed. Petitioner believes this appointment is in the best interests of the Trust and sub-trusts, and those persons interested in the Trust estate.

Petitioner requests that:

- 1. The Court temporarily and partially remove Gerald Ishii and Leslie Ishii as Co-Trustees of the ISHII FAMILY TRUST DATED 3-3-92;**
- 2. The Court appoint Bruce Bickel as temporary Successor Trustee to serve without bond for a period of one year, with the ability of Mr. Bickell to petition the Court for additional time should the corporate affairs remain deadlocked;**
- 3. The Court award reasonable compensation to the temporary Successor Trustee;**
- 4. The Co-Trustees to deliver the Trust assets to the temporary Successor Trustee within 30 days after issuance of an Order;**
- 5. The Court order Leslie Ishii to file an accounting with the Court detailing their respective acts as Co-Trustees no later than four weeks after the Court makes its order;**
- 6. The Court order Petitioner's attorneys' fees in the amount of \$1,000.00 and costs advanced to be paid to such attorneys directly from the Trust, to be charged 100% to income, and paid within 10 days after the Court makes its order; and**
- 7. Such further orders as the Court deems proper.**

Objection of LESLIE ISHII states this probate proceeding is not the proper forum or vehicle to resolve such corporate issues. This lawsuit is premature at best and legally inapposite to the issues it proposes to resolve at worst. The corporation is deadlocked; however, the instant petition filed as a trust proceeding does not request any form of relief that will serve to end the shareholders' deadlock and restore the corporation to operational status. Specifically, the appointment of a neutral third party trustee will not resolve any issues with regard to the operation of the corporation. While a trustee may have the right to vote shares of stock held in trust, a trustee's paramount duty is to distribute trust property pursuant to the terms of the trust instrument. Here, the trust instrument requires the residue be distributed one-half each to Petitioner and Respondent. If a neutral third party trustee is appointed, he will be obligated to distribute the shares held in trust accordingly, not to vote the shares, and, in effect run the business of the corporation.

Respondent has no objection to the immediate equal distribution of the shares of the corporation currently held in trust. In the likely event that said distribution does not resolve the deadlock, however, Petitioner's only recourse will be to file a lawsuit for involuntary dissolution in the unlimited civil department of the Superior Court.

SEE PAGE 3

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Respondent requests that the Court issue an order requiring the Co-Trustees to immediately distribute 150 shares of Frank K. Ishii & Sons, Inc., each to Petitioner and Respondent, and for reasonable attorneys' fees and costs incurred herein.

Alternatively, Respondent requests the Court issue an order removing Petitioner and Respondent as Co-Trustees, but only as to their fiduciary ownership of the Trust's 300 shares of Frank K. Ishii & Sons, Inc.; appointing Bruce Bickel as temporary successor trustee without bond solely for the purpose of administering the Trust's 300 shares of Frank K. Ishii & Sons, Inc.; authorizing Mr. Bickel to petition to continue to serve should it be in the best interests of the beneficiaries or the affairs of the corporation that he remain in such role; awarding reasonable compensation to the temporary Successor Trustee; requiring the Co-Trustees to deliver the shares of Frank K. Ishii & Sons, Inc., to the temporary Successor Trustee by a date certain; for reasonable attorneys' fees and costs incurred herein; and for any and all other relief the Court deems just and proper.

Status Report filed 1-7-13 by Attorney Fanucchi states further continuance is needed. Gerald Ishii maintains his brother Leslie is wasting the vineyard known as Candy Ranch by inappropriately pruning, tying, tilling, chemical control, and irrigating control which has diminished the value of the realty.

Status Report filed 1-9-13 by Attorney Burnside states inquiry has been made to Les' accountant Jim Horn whether he has any documents in his possession regarding the expenses Les incurred to operate the Candy Ranch, but Mr. Horn has been unable to review his files due to his year-end workload. Counsel will follow up this week.

Status Report filed 2-19-13 by Attorney Fanucchi states Gerald Ishii is unable to accept or reject what has been presented to date and has forwarded information to his accountant. Further continuance is needed.

Status Report filed 2-19-13 by Attorney Burnside states the accountants had to reschedule their meeting and further continuance is needed.

Minute Order 5-17-13: Ms. Burnside advises the Court that they have resolved a few things and are making progress. Ms. Burnside further advises that the CPSs are still trying to get together.

Minute Order 6-28-13: Continued to 8-30-13.

Minute Order 8-30-13: Counsel informs the Court that they will be going forward with the evaluation of the property and meeting with the accountants. The Court notes that this is the eleventh appearance and parties have been waiting for information that can only be provided by the accountants. Parties are informed that the Court will be expecting a declaration to be submitted before the next hearing. Continued to 9/27/13.

Minute Order 9-27-13: Continued to 10-25-13.

Minute Order 1-10-14: Joint request for a 90-day continuance

Minute Order 4-10-14: The Court orders the parties to complete and exchange their respective inventory lists by 5/10/14. In the event a party does not complete and exchange their list by 5/10/14, that party is to be personally present on 5/15/14. Counsel is direct to file a **joint** status report.

3B Ishii Family Trust 3/3/1992 (Trust)**Case No. 12CEPR00447****Atty Fanucchi, Edward L. (for Gerald Ishii – Beneficiary – Petitioner)****Atty Marshall, Jared (for Leslie Ishii – Co-Trustee – Respondent)****Status Conference**

Frank K. Ishii DOD: 11-10-93		GERALD ISHII , Beneficiary and Co-Trustee, filed the petition at Page 6A on 5-17-12. LESLIE ISHII , Beneficiary and Co-Trustee, filed an objection on 6-21-12. Hearings have been continued since 7-2-12. Minute Order 8-30-13: Counsel informs the Court that they will be going forward with the evaluation of the property and meeting with the accountants. The Court notes that this is the eleventh appearance and parties have been waiting for information that can only be provided by the accountants. Parties are informed that the Court will be expecting a declaration to be submitted before the next hearing. Continued to 9/27/13. On 9-27-13 the matter was continued to 10-25-13. Status Report filed by Attorney Leigh Burnside on 1/3/2014 states, in brief sum: <ul style="list-style-type: none"> After the status hearing in August 2013, JAMES HORN, who is the accountant of Leslie Ishii ("Les"), provided updated accountings for years 2008 through 2011 to Gerald' Ishii's accountant, JOHN JEFFRIES; Attorney Burnside has been in touch with both her client, Les, and with his accountant Mr. Horn, most recently in December 2013; there continue to be settlement discussions between the parties by and through their respective accountants, including discussing Les purchasing Gerald's beneficial interest in the "Candy Ranch", although the purchase price has not been determined; The parties are also inventorying and assigning values to the various pieces of equipment that belong to the corporation but are in their personal possession; Les reports the equipment list runs 7 pages and he needs another 2 to 3 weeks to gather values for all of the items he has, which values will be given to Mr. Horn, and he and Mr. Jeffries will negotiate a purchase price for the ranch property. 	NEEDS/PROBLEMS/COMMENTS: <u>Note:</u> See Page 3A for details of the petition and file to date. Status report filed 4-3-14 by Attorney Fanucchi (not verified) states the parties are currently inventorying and assigning value to equipment in their possession belonging to the corporation. The accountants will then go over those inventories and negotiate a purchase price for the ranch property. There have been settlement discussions between the parties by their respective accountants including the purchase of Gerald Ishii's beneficial interest in Candy Ranch by Leslie Ishii. A price has not yet been determined. Attorney Fanucchi will be out of the country until 4-16-14 and requests continuance. Status report filed 4-3-14 by Attorney Burnside (not verified) states the accountant will not be available until after 4-15-14. Minute Order 4-10-14: The Court orders the parties to complete and exchange their respective inventory lists by 5/10/14. In the event a party does not complete and exchange their list by 5/10/14, that party is to be personally present on 5/15/14. Counsel is direct to file a <u>joint</u> status report. Joint Status Report filed 5-12-14 states the parties have exchanged their equipment/personal property lists (copies attached).																																																																			
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3B

1) First Account and Report of Conservator and (2) Petition for Allowance of Fees to Attorney for Conservator

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(1) First and Final Report of Status of Administration on Waiver of Account (2) Petition for Final Distribution, for (3) Allowance of Ordinary Services by Attorney, and for Reimbursement of Costs Advanced

DOD: 6/12/13		BARBARA A. BERBERIAN , Executor, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Accounting is waived.	
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.	I & A - \$829,657.50	
<input type="checkbox"/>		POH - \$829,657.50	
<input checked="" type="checkbox"/>	Verified	Executor - waives	
<input checked="" type="checkbox"/>	Inventory		
<input checked="" type="checkbox"/>	PTC	Attorney (statutory) - \$6,545.00	
<input checked="" type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg	Costs - \$1,368.82 (filing fees, certified copies, probate referee, publication, recorder)	
<input checked="" type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.	Petition states the estate is of sufficient size to require the filing of a federal or California estate tax return. As of the date of the petition, however, Petitioner has not yet filed the federal and California estate tax return(s). Petitioner states the sole beneficiary of the estate is the Richard Berberian and Barbara A. Berberian 1996 Living Trust. Petitioner requests that she be authorized and directed to pay out of the trust estate any taxes, tax deficiencies, interest and penalties that may be assessed against the Decedent's estate upon the filing of the federal and California estate tax returns.	
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters	11/14/13	
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input checked="" type="checkbox"/>	FTB Notice	Distribution, pursuant to Decedent's Will, is to: Barbara Berberian as Trustee of the Richard Berberian and Barbara A. Berberian 1996 Living Trust. – 100% of the estate.	

Reviewed by: KT

Reviewed on: 5/12/14

Updates:

Recommendation:

File 5 - Berberian

Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002)

DOD: 3/22/14		JOHN GARLAND , named executor without bond, is petitioner. Full IAEA – o.k. Holographic Will dated: 10/2/2007 Residence: Fresno Publication: Fresno Business Journal Estimated value of the estate: Personal property - \$ 819,000.00 Income - \$ 14,000.00 <u>Real property</u> - <u>\$ 200,000.00</u> Total - \$1,033,000.00 Probate Referee: Rick Smith	NEEDS/PROBLEMS/COMMENTS: <u>Note:</u> If the petition is granted, status hearings will be set as follows: <ul style="list-style-type: none"> Wednesday, October 15, 2014 at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal. Wednesday, July 15, 2015 at 9:00 a.m. in Department 303, for the filing of the first account or petition for final distribution. Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.	
Cont. from				
✓	Proof of Holographic Inst.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			
✓	Aff.Mail			W/
✓	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: KT Reviewed on: 5/9/14 Updates: Recommendation: SUBMITTED File 6 - Sanoian	

Age: 6 years		TEMPORARY (granted ex parte) EXPIRES <u>5/14/14</u> <u>GENERAL HEARING 6/23/14</u> ANTOINETTE M. FULLER , paternal aunt, is petitioner. Father: ORRIN V. FULLER Mother: MELISSA (last name unknown) Paternal grandfather: Anthony Fuller Paternal grandmother: Jeraldine McCoy-Koontz. Maternal grandparents: Unknown Petitioner states the minor's father has recently spoken of returning the minor to his home for a visit. Since then the minor has been telling Petitioner and other family members of the abusive things taking place in her father's household. Petitioner believes the minor's statements that she is being abused and neglected. The minor is living in constant fear of returning to her father.	NEEDS/PROBLEMS/COMMENTS: 1. Need Notice of Hearing. 2. Need proof of personal service of the Notice of Hearing along with a copy of the temporary petition or Consent and Waiver of Notice or Declaration of Due Diligence on: a. Orrin Fuller (father) b. Melissa (last name unknown) (mother).	
Cont. from 050714				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input type="checkbox"/>	Notice of Hrg			X
<input type="checkbox"/>	Aff.Mail			
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			X
<input checked="" type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Letters			
<input checked="" type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input checked="" type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
Reviewed by: KT				
Reviewed on: 5/5/14				
Updates:				
Recommendation:				
File 7 - Fuller				

Atty Sanoian, Joanne (for Carl Hawk – Conservator)

Atty Rindlisbacher, Curtis D. (Court Appointed for Conservatee)

Probate Status Hearing Re: Failure to File Inventory and Appraisal; Failure to File First Account

		<p>CARL HAWK, husband, was appointed Conservator of the Person and Estate on 10/27/11.</p> <p>Letters of Conservatorship were issued on 10/28/11.</p> <p>Inventory & Appraisal was due in March 2012.</p> <p>The First Account was due in October 2012.</p> <p>Status Hearing Report filed 06/20/13 states: The conservatee is to receive a profit sharing distribution from her previous employment at Simonian Packing Company. No distributions have been made to the conservatee as of yet and the conservator has been informed that there is an ongoing investigation by the Department of Labor arising from complaints with the profit sharing plan. Eric Tristan, investigator with the Department of Labor stated on 06/20/13 that the investigation is still on-going. He further indicated that it is a large investigation involving numerous parties, but that he is hopeful it will resolve soon. As the investigation is still ongoing, the conservator has still not been able to take possessions of any assets of the conservatorship estate and therefore is unable to file an Inventory & Appraisal or Accounting. A continuance of 90 days is requested.</p> <p>Status Hearing Report filed 09/25/13 states: According to Eric Tristan, the Department of Labor investigator handling the investigation regarding the proposed conservatee's profit sharing plan, the investigation remains ongoing and there is no set date that the investigation will be resolved, but he hopes it will be in the near future. Petitioner therefore requests a 90 day continuance.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>CONTINUED FROM 01/16/14 Minute Order from 01/16/14 states: The Court is informed that the investigation is on-going.</p> <p>As of 05/09/14, nothing further has been filed in the matter and the following items remain outstanding:</p> <ol style="list-style-type: none"> 1. Need Inventory & Appraisal. 2. Need First Account and Report of Conservator.
Cont. from 022213, 062813, 092713, 011614			
Aff.Sub.Wit.			
Verified			
Inventory	x		
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		<p>Reviewed by: JF</p> <p>Reviewed on: 05/09/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 8 - Hawk</p>	

DOD: 2/15/2012	NORMAN JOSPEH ROGERS was	NEEDS/PROBLEMS/COMMENTS:	
	appointed as Administrator with full IAEA authority and without bond on 5/31/2012.		
	Letters issued on 6/1/2012.	1. Need first account or petition for final distribution.	
Cont. from 080213, 021414	Inventory and appraisal was filed on 11/15/2012 showing the estate valued at \$142,000.00		
Aff.Sub.Wit.	<p>Status Report filed on 5/6/14 states The Petition for Distribution has not been filed for the following reasons: The Decedent was injured on the job prior to his death and a workers compensation settlement was made that included a Medicare set aside. Since the last status hearing attempts were made to determine if said account continues past death and therefore would be an asset of the estate. It has been determined that a portion has been distributed per a beneficiary designation. They are awaiting a response as to future payments call for in that settlement. They have recently received on behalf of the State Compensation Insurance Fund a denial that any further funds are due to the decedent or his estate. However, they have not yet evaluated that denial to determine if any further action can or should be taken.</p>		
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			Reviewed by: KT
9202			Reviewed on: 5/9/14
Order	Updates:		
Aff. Posting	Recommendation:		
Status Rpt	File 9 – Rogers		
UCCJEA			
Citation			
FTB Notice			

Petition to Determine Succession to Real Property (Prob. C. 13151)

DOD: 02/05/2013		SIRIAM DE LA ROSA , daughter, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		40 days since DOD	1. Need Declaration pursuant to Local Rule 7.12.5.
Cont. from 041014		No other proceedings	2. Will devises the residue of the estate which includes the real property pass to the Maria Del C. Schmutz Living Trust therefore the Trustee must petition to request that the real property pass to the Trust.
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified	I&A - \$75,000.00	
<input checked="" type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	w/	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Will dated: 10/04/2004 devises estate to Siriam De La Rosa as Trustee of the Maria Del C. Schmutz Living Trust.

Petitioner request Court determination that decedent's 100% interest in real property located at 3751 Baron Ave, Clovis pass to Siriam De La Rosa.

Reviewed by: LV
Reviewed on: 05/14/2014
Updates:
Recommendation:
File 10 – Schmutz

Age: 7 years		TEMPORARY GRANTED EX PARTE EXPIRED ON 3/26/14 CONSUELO DURAN , maternal grandmother, is petitioner. Father: ISMAEL GARCIA Mother: AMYE CONSUELO RODARTE Paternal grandparents: Unknown Maternal grandfather: Antonio Rodarte Petitioner states she has been in the life of her grandson since birth. He has been residing with her since December. The minor has autism and Petitioner states she has the patience to meet his needs. Court Investigator Jennifer Daniel's Report filed on 5/5/14.	NEEDS/PROBLEMS/COMMENTS: 1. Need proof of personal service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice or Declaration of Due Diligence on: a. Ismael Garcia (father) b. Amye Consuelo Rodarte (mother) 2. Need proof of service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice or Declaration of Due Diligence on: a. Paternal grandparents b. Antonio Rodarte	
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
<input type="checkbox"/>	Aff.Mail			<input checked="" type="checkbox"/>
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			
<input checked="" type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input checked="" type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input checked="" type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
Reviewed by: KT				
Reviewed on: 5/12/14				
Updates:				
Recommendation:				
File 11 - Rodarte				

Age: 15 years		<p>THERE IS NO TEMPORARY. No temporary was requested.</p> <p>ELIZABETH PARSON, maternal grandmother, is petitioner.</p> <p>Father: ARIC HASSELBRING – services attempted, unsuccessful. Mailed notice on 4/22/14.</p> <p>Mother: MELISSA FEDERICO – consents and waives notice.</p> <p>Paternal grandfather: Robert Hasselbring – mailed notice 4/24/14. Paternal grandmother: Roberta Trudeau – mailed notice on 4/24/14. Paternal grandfather: Stephen Tracy – consents and waives notice.</p> <p>Petitioner states the child was placed in her care by CPS on 1/11/14. The minor has been diagnosed with ODD, ADHD and has tested positive for drug use. The child has been living with his father for the past 1 ½ years and has received no healthcare services or psychological treatment.</p> <p>Court Investigator Jennifer Daniel's Report filed on 5/5/14.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Proof of service of the Notice of Hearing on the paternal grandparents Robert Hasselbring and Roberta Trudeau does not show that it was service with a copy of the petition as required. 2. Declaration of Due Diligence indicates the process server attempted to personally serve the father at his residence on 4 separate occasions. Personal service was unsuccessful. Notice was mailed to father on 4/22/14.
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail W/O		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input checked="" type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input checked="" type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input checked="" type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		<p>Reviewed by: KT</p> <p>Reviewed on: 5/12/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 12 - Hasselbring</p>	

Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 8-27-13		
	Aff.Sub.Wit.	S/P
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	X
	Aff.Mail	X
✓	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	X
	Duties/Supp	X
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	X
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

BRENDA LONG SUTA, Sister and Named Alternate Executor without bond, is Petitioner.

Petitioner is a resident of Salt Lake City, UT.

Named Executor Patricia Carr declines to act.

Limited IAEA – ok

Will dated 6-12-05

Residence: Fresno
Publication: Fresno Business Journal

Estimated value of the estate:
Personal property: \$163,000.00

Probate Referee: Steven Diebert

Note: If the petition is granted, status hearings will be set as follows:

- **Wednesday, October 15, 2014** at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal.
- **Wednesday, July 15, 2015** at 9:00 a.m. in Department 303, for the filing of the first account or petition for final distribution.

Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.

NEEDS/PROBLEMS/COMMENTS:

1. Need original will pursuant to Probate Code §8200.
2. Need Duties and Liabilities of Personal Representative (DE-147) and Confidential Supplement (DE-147S).
3. Need Notice of Petition to Administer Estate (DE-121).
4. Need proof of service of Notice of Petition to Administer Estate on all persons listed at #8 of the petition pursuant to Probate Code §§ 8110, 1208.
5. Petitioner is a resident of Salt Lake City, UT. The court may require bond if the proposed personal representative resides outside California or for other good cause, even if the will waives bond, pursuant to California Rules of Court 7.201(b) and Probate Code §8571.

Note: Petitioner estimates \$163,000.00 in personal property. Limited authority does not mitigate these circumstances. The Court may require bond of \$163,000.00.
6. Need Order.
7. Need Letters.

Reviewed by: skc

Reviewed on: 5-12-14

Updates:

Recommendation:

File 13 - Long

14 Adriana and Elijah Hernandez (GUARD/P)**Case No. 08CEPR00191****Atty Hernandez, Annabel (pro per – paternal aunt/co-guardian)****Atty Lopez, Lillian (pro per – paternal aunt/co-guardian)****Atty Prado, Gloria (pro per – paternal grandmother/Petitioner)****Atty Prado, Alfonso Duran (pro per – paternal step-grandfather/Petitioner)****Petition for Appointment of Temporary Guardian of the Person (Prob. C. 2250)**

Age: 12		<u>GENERAL HEARING 07/02/14</u>		NEEDS/PROBLEMS/COMMENTS:	
		GLORIA PRADO and ALFONSO PRADO,		This Petition is for Elijah only.	
		paternal grandmother and step-		Adrianna is now 20 years old.	
		grandfather, are Petitioners.			
Cont. from		Father: ABEL HERNANDEZ – deceased		<p>1. There is currently a guardianship in place regarding this minor. Need Petition to Terminate the Guardianship to terminate the current guardianship. <i>It is noted that both guardians have signed a Consent & Waiver of Notice.</i></p> <p>2. The UCCJEA is incomplete. Need Elijah's residence information for the past 5 years.</p> <p>3. Need <i>Notice of Hearing</i>.</p> <p>4. Need proof of personal service at least 5 court days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Temporary Guardianship Petition</i> <u>or</u> <i>Consent & Waiver of Notice</i> <u>or</u> <i>Declaration of Due Diligence</i> for:</p> <p>a. Ofelia Hernandez (mother)</p> <p>b. Elijah Hernandez (minor)</p>	
<input type="checkbox"/>	Aff.Sub.Wit.				
<input checked="" type="checkbox"/>	Verified	Mother: OFELIA HERNANDEZ			
<input type="checkbox"/>	Inventory	Paternal grandfather: ABEL HERNANDEZ			
<input type="checkbox"/>	PTC	Maternal grandparents: UNKNOWN			
<input type="checkbox"/>	Not.Cred.				
<input type="checkbox"/>	Notice of Hrg	<input checked="" type="checkbox"/>	ANNABEL HERNANDEZ and LILLIAN LOPEZ,		
<input type="checkbox"/>	Aff.Mail	paternal aunts, were appointed as Co-			
<input type="checkbox"/>	Aff.Pub.	Guardians of both Adriana and Elijah on			
<input type="checkbox"/>	Sp.Ntc.	07/03/08 – <i>Consent & Waiver of Notice</i>			
<input type="checkbox"/>	Pers.Serv.	<input checked="" type="checkbox"/>	<i>filed 05/02/14</i>		
<input checked="" type="checkbox"/>	Conf. Screen	Petitioners state that the guardians can no			
<input checked="" type="checkbox"/>	Letters	longer take care of Elijah and he has no			
<input checked="" type="checkbox"/>	Duties/Supp	other place to go, his father is deceased			
<input type="checkbox"/>	Objections	and his mother is homeless.			
<input type="checkbox"/>	Video Receipt				
<input type="checkbox"/>	CI Report				
<input type="checkbox"/>	9202				
<input checked="" type="checkbox"/>	Order				
<input type="checkbox"/>	Aff. Posting				
<input type="checkbox"/>	Status Rpt				
<input checked="" type="checkbox"/>	UCCJEA				
<input type="checkbox"/>	Citation				
<input type="checkbox"/>	FTB Notice				
				Reviewed by: JF	
				Reviewed on: 05/12/14	
				Updates:	
				Recommendation:	
				File 14 - Hernandez	

			TEMP DENIED 10-24-13	NEEDS/PROBLEMS/COMMENTS:
			JULIE CASTILLO and CONNIE MARTINEZ,	Court Investigator advised rights on 11-12-13
			Daughters, are Petitioners and request appointment as Co-Conservators of the Person with medical consent powers and dementia medication powers, and as Co-Conservators of the Estate without bond, funds blocked.	Voting rights affected - Need minute order
Cont. from 112113, 021314, 022014, 041014, 050814			Voting rights affected	Minute Order 10-24-13 (Temp): Ms. Walters informs the Court that her client owes Rosie Reyna about \$3,000.00 which she is currently paying. Parties agree to participate in mediation today at 1:30 p.m. Parties are ordered not to speak ill of one another around Rosie Reyna. Mr. Teixeira is ordered to remain as counsel for Rosie Reyna. Based on the report of the investigator and everything that has been heard today, the Court denies the petition. The General Hearing remains set for 11/21/13. Petition is denied.
	Aff.Sub.Wit.		Estimated value of estate:	Minute Order 11-21-13: Status of Evaluation to be filed with the Court.
✓	Verified		Personal property: \$100,000.00	Minute Order 2-13-14, 2-20-14, 4-10-14, 5-8-14: See additional pages.
	Inventory		(also Real property: \$100,000.00)	Update: Nothing further has been filed regarding the mediation appointment; however, a Capacity Declaration was filed on 4-2-14 and Joseph Reyna filed an Objection on 4-2-14.
	PTC		Cost of recovery: \$10,000.00	The following issues remain: SEE ADDITIONAL PAGES
	Not.Cred.		Bond required: \$110,000.00	Reviewed by: skc
✓	Notice of Hrg		Capacity Declaration filed 4-2-14 by Attorney Teixeira, Court appointed attorney for the Proposed Conservatee.	Reviewed on: 5-9-14
✓	Aff.Mail	w	Petitioners state their mother was diagnosed with dementia in 2010. Before this occurred, she had drafter a Power of Attorney for Health Care indicating Petitioners (daughters), Joseph (son), and Monica (granddaughter) as potential agents to assist in her health care decisions. In the last year, the family has witnessed actions by Joseph that have caused great concern regarding his motivation in assisting her. At this point, Joseph will not allow Petitioners access to any of their mother's finances and now utilizes a debit card in her name all over town. He has made significant cash withdrawals including removing approx. \$17,500 from the account. He insisted the money was his, even though he is unemployed and contributes no funds to the account. In addition, he has been talking derogatorily and with obscene profanity toward their mother and tells her that nobody wants her and if he did not live with her she would be all alone. She is afraid to say anything to him. Petitioners state he took her to an attorney, but she does not know what she signed. He does not allow her to go to the doctor and threatens to not feed her if she does not listen to him. Petitioners state their mother is not capable of making decisions on her own and are concerned that something may happen to her if conservatorship is not granted.	Updates:
	Aff.Pub.			Recommendation:
	Sp.Ntc.			File 15 – Reyna
✓	Pers.Serv.	w		
✓	Conf. Screen	X		
✓	Letters			
✓	Duties/Supp			
✓	Objections			
✓	Video Receipt			
✓	CI Report			
	9202			
	Order	X		
	Aff. Posting			
	Status Rpt			
	UCCJEA			
✓	Citation			
	FTB Notice			

Court Investigator advised rights on 11-12-13

Voting rights affected

- Need minute order

Minute Order 10-24-13 (Temp):

Ms. Walters informs the Court that her client owes Rosie Reyna about \$3,000.00 which she is currently paying. Parties agree to participate in mediation today at 1:30 p.m. Parties are ordered not to speak ill of one another around Rosie Reyna. Mr. Teixeira is ordered to remain as counsel for Rosie Reyna. Based on the report of the investigator and everything that has been heard today, the Court denies the petition. The General Hearing remains set for 11/21/13. Petition is denied.

Minute Order 11-21-13: Status of Evaluation to be filed with the Court.

Minute Order 2-13-14, 2-20-14, 4-10-14, 5-8-14: See additional pages.

Update: Nothing further has been filed regarding the mediation appointment; however, a Capacity Declaration was filed on 4-2-14 and Joseph Reyna filed an Objection on 4-2-14.

The following issues remain:

SEE ADDITIONAL PAGES

Reviewed by: skc

Reviewed on: 5-9-14

Updates:

Recommendation:

File 15 – Reyna

Page 2

Petitioners filed declarations in support of the petition from Bernardo Reyna (son), Julien Castillo (son-in-law), Paul Reyna (brother-in-law), Jonathan Martinez (grandson), Dorothy Martinez (family member), Harry Martinez (son-in-law), Cameron Martinez (grandson), Corina Martinez (granddaughter), Diane A. Frias (niece), Lydia Leong (family friend and former girlfriend of Joe), and Monica Estrada (granddaughter). See declarations for details.

Court Investigator Samantha Henson filed a report on 11-14-13.

Declaration of Attorney Lisa Horton filed 11-19-13 states that on 11-15-13, she was on the telephone with her client Julie Castillo who was standing in front of the proposed conservatee's residence attempting to visit with her mother. Attorney Horton heard Joseph Reyna yelling at Rosie and her clients through the phone, including yelling out, "They just want your money mom, don't let them in."

SEE ADDITIONAL PAGES

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Status Report filed 2-11-14 by Petitioner Julie Castillo and Connie Martinez states the parties agreed Ms. Reyna would undergo evaluation to determine if she has suffered physical and/or verbal abuse. The psychologist was to be selected by mutual agreement of Stanley Teixeira and Petitioners' attorney. The parties agreed that Mr. Teixeira would oversee all known and existing accounts. Joseph Reyna was to supply him with statements and explanation of how funds are spent.

On 11-25-13, Mr. Teixeira provided a resume for a psychologist, who Petitioners feel lacks experience in dealing with dementia patients. On 1-2-14, Attorney Walters informed Mr. Teixeira of her concerns and requested additional resumes. To date, none have been received.

On 1-27-14, Attorney Walters spoke with Mr. Teixeira, who stated that he has not had any contact with his client or with Joseph Reyna for some time – he has tried calling and mail, but no response. This means that he has not reviewed any account information as anticipated.

Petitioners feel a conservator should be appointed immediately because:

- Rosie Reyna is still driving without a valid license
- Joseph Reyna is still driving her vehicles on a suspended license. He has been pulled over and vehicles impounded. He is allowing her to drive him everywhere in an attempt to avoid getting pulled over.
- Joseph Reyna is selling her personal property items to family members and possibly others
- Joseph Reyna has isolated Rosie Reyna by not allowing family to visit, or her counsel, and Rosie spent Thanksgiving and her birthday without her family.
- On Christmas she was found in her house sitting alone in the dark
- Sometime in December, Joseph Reyna took Rosie to EECU and tried to have all her funds withdrawn. The bank would not comply.
- Petitioners have tried to contact Rosie but Joseph picks up the phone and immediately hangs up or doesn't answer at all.

Petitioners believe it is in Rosie Reyna's best interest that a temporary conservator of her estate be appointed until a full settlement of this case or outcome of trial. Petitioners still request to be appointed; however, if the Court is not inclined to appoint Petitioners, Petitioners request appointment of the Public Guardian on a temporary basis.

Minute Order 2-13-13: Also present in the courtroom is Monica Estrada. Ms. Reyna objects to the conservatorship. Joseph Reyna is ordered to provide Mr. Teixeira anything he has regarding Ms. Reyna including any bank documents. Said documents are to be provided to Mr. Teixeira by the end of today. The Court will expect something to be filed regarding Bank of America before the next hearing. The Court orders Joseph Reyna to submit a declaration regarding the money, car, watch, and any reimbursement he has made to Ms. Reyna.

Capacity Declaration was filed 4-2-14 by Attorney Teixeira.

Objection was filed 4-2-14 by Joseph Reyna.

See file for details.

Minute Order 2-20-14: Mr. Teixeira advises the Court that his client strongly objects to the conservatorship. The Court is informed that an agreement has been reached as to the mental health evaluator. Parties waive confidentiality so the Court can review the report. The Court authorizes the results to be distributed to the parties. Joseph Reyna is ordered to provide the Bank of America statements for the period of January 2012 through June 2013.

Minute Order 4-10-14: Joint request for continuance is granted. Continued to 5-8-14.

Minute Order 5-8-14: Ms. Horton requests continuance to allow Mr. Teixeira an opportunity to review the report with Ms. Reyna.

SEE ADDITIONAL PAGES

Dept. 303, 9:00 a.m. Thursday, May 15, 2014

Continued to 4/10/14 @ 10:00.

On 5-2-14, Attorney Teixeira (for Proposed Conservatee) filed a Declaration along with a Proof of Personal Service indicating service of the Report of Arlene Costa, LCSW, BCD, on Attorney Horton on 5-1-14. The declaration states that the parties agreed that Arlene Costa, LCSW, would serve as independent evaluator and on 2-20-14 the parties waived confidentiality so that the Court could review the report. The report is attached as Exhibit A.

Ms. Costa's report recommends appointment of the Public Guardian as Conservator of the Person and the Estate and that a full accounting be performed for the past 24 months, and arrangements made to repay any funds borrowed. This includes loans made to Ms. Castillo and withdrawals by Joseph Reyna. The report states that Ms. Reyna is happy with her son providing her daily care and continuing to live in her own home. The presence of the Public Guardian in an oversight role will provide reassurance that there is no verbal or emotional abuse occurring. The Public Guardian would oversee Joseph Reyna's care of his mother to put an end to the repeated APS reports of verbal and emotional abuse, and to monitor her for any changes that would indicate the need for a higher level of care.

Status Report Re: Bank Records and Status of Case filed 5-2-14 by Attorney Lisa Horton (for Petitioners) states Joseph Reyna was previously ordered to provide financial statements, etc., which were never provided. On 2-18-14, certain statements and misc. medical records were provided to Attorney Horton by Attorney Teixeira, and Joseph Reyna was again ordered to provide additional account statements. On 4-8-14, Attorney Horton received Joseph Reyna's declaration with additional statements and printouts (attached).

The report states that on 12-3-13, after this conservatorship action was commenced, Joseph Reyna took Mrs. Reyna to EECU and attempted to have all of her money withdrawn from one of her accounts. The EECU statement shows \$59,164.15 withdrawn and the deposited right back into the account. This is consistent with the statements made by Petitioner Julie Castillo that EECU did not allow the amount to be withdrawn. Petitioners are upset that he did this without any reasonable explanation. His declaration filed 2-20-14 stated that Attorney Teixeira had told him to move the money out of the bank; however, Mr. Teixeira states he did not tell him to do this. The Declaration provides analysis of the account statements provided. On 2-13-14, the Court ordered repayment of all amounts taken and for the impound fees because Joseph Reyna was driving without a license. According to the last statement, he has not done so. Further, his aggression toward the Petitioners has escalated and he continues to alienate their mother from the rest of the family.

NEEDS/PROBLEMS/COMMENTS:

- 1. If granted, need Confidential Supplemental Information Form GC-312. (This form provides information about the proposed Conservatee.)**
- 2. If granted, need bond of \$110,000.00 per Cal. Rules of Court 7.207 and Probate Code §2320(c)(4).**
- 3. Need order.**